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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,471	11/10/2003	Philip Zocco	G0718.70000US00	5730

23628 7590 08/29/2006

WOLF GREENFIELD & SACKS, PC  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,471	ZOCCO, PHILIP	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chapman E. Jeanette	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on march 6, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-6, 10, 11, 13, 18-20, 22-26, 28, 29 and 31-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 3-6, 10, 11, 13, 18-20, 22-26, 28, 29 and 31-33 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)       |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>PATENT COPY WITH ANNOTATIONS</u> |

**THE FINAL REJECTION MAILED 5/25/06 IS HEREBY VACATED IN RESPONSE TO THE LETTER FILED 7/14/06 REQUESTING THE ANNOTATED COPY OF THE PATENT. The annotated copy of US patent 4,337,759 is attached to this office action. The examiner apologizes for the inconvenience.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6,10, 13,18, 20, 25, 28-29, 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Popovich et al (4337759). An insert 10 and 440 which may be used for placement in a door light; The insert comprises

- A substantially planar top surface defining a plane; see annotations on patent copy
- A raised portion surrounded by the top surface; see annotations on patent copy
- The raised portion includes an outer edge and truncated sides provided on a portion and interrupting an outermost concentric ring such that the at least outermost concentric ring is incomplete; see annotations on patent copy
- The truncated side are provided on opposite positions of the outer edge of the raised portion and are parallel to one another
- The truncated side is perpendicular to the planar top side

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- The planar top surface has a thickness, the raised portion has a maximum height; the maximum height is at least  $\frac{1}{4}$  the thickness; see annotations on patented
- The raised portion including at least two features 530 which are raised with respect to the plane of the top surface;
- The raised portion having a substantially uniform configuration; see figure 10a
- The raise portion defining an upper surface
- The at least two features on the raised portion include at least two raised concentric rings; Popovich discloses a fresnel lens; the definition of a fresnel lens is a lens with concentric ridged rings.
- a recessed portion at least partially surrounded by the bottom surface; see annotations on patent copy
- the recessed portion includes at least two features 532 which are recessed with respect to the bottom surface; see figure 7
- the recessed portion defining a lower surface; see annotations on patented copy
- at least two features on the recessed portion include two recessed concentric which substantially correspond in size and in shape to the at least tow raised concentric rings on the raised surface; see figure 10a
- the distance between the upper surface of the raised portion and the lower surface of the recessed portion is substantially uniform throughout; see figure 10a
- the body 10 is formed of plastic (polyethylene) or glass

- the raised portion includes a bullseye configuration; see the definition of fresnel lens above
- a raised portion having a plurality of peaks wherein the maximum height of the peaks is substantially centered on the raised portion. A height of the peaks of the raised portion decreasing at a constant rate in a radial direction from the maximum height near the center toward an outer edge of the raised portion. See figure 1
- Wherein the at least two raised concentric rings include an inner ring and an outer ring, wherein the maximum height of the inner ring is substantially equal to the maximum height of the outer ring
- Wherein at least one of the concentric rings is a complete uninterrupted ring; see 10a definition of fresnel lens above

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 19, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popovich.

Popovich discloses a bottom surface spaced from and disposed substantially but not parallel relation to the top surface; the criticality of the substantially planar bottom surface parallel to the top is not seen; further one of ordinary skill in the art would have

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appreciated forming the mounting surface commensurate with the mounting structure to which it is attached.

See rejection above for other claimed limitations.

- The at least two raised concentric rings include an inner ring and an outer ring

The maximum height of the inner ring is greater than the maximum height of the outer ring. See figure 3

- Wherein the at least two raised concentric rings include an inner ring and an outer ring, wherein the maximum height of the inner ring is substantially equal to the maximum height of the outer ring
- Wherein at least one of the concentric rings is a complete uninterrupted ring; see 10a definition of fresnel lens above

Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popovich in view of Aho et al (5097395).

Popovich discloses lacks the recited. Aho et al discloses a frame 12/14/16 having at least a part of the frame abutting an outer edge of the insert (fresnel lens) 24/26/27 to center the insert in the frame wherein the frame forms a central opening for exposing the raised portion of the insert

Claims 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popovich in view of Cooper, Jr (re25017). Popovich discloses the plastic material ; most plastics are generally known to be shatterproof. Popovich does not specifically state that his material is shatterproof. Cooper discloses an insert 14 of plastic, polyethylene shatterproof material. In view of the above, it would have been obvious to one of

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ordinary skill in the art to make the lens of plastic polyethylene material of Popovich of shatterproof material for safety reasons.

***Response to Arguments***

Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEANETTE E. CHAPMAN  
PRIMARY PATENT EXAMINER  
ART UNIT 3635

JEC



PATENT COPY W/ANNOTATIONS

**U.S. Patent      Jul. 6, 1982**

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**4,337,759**

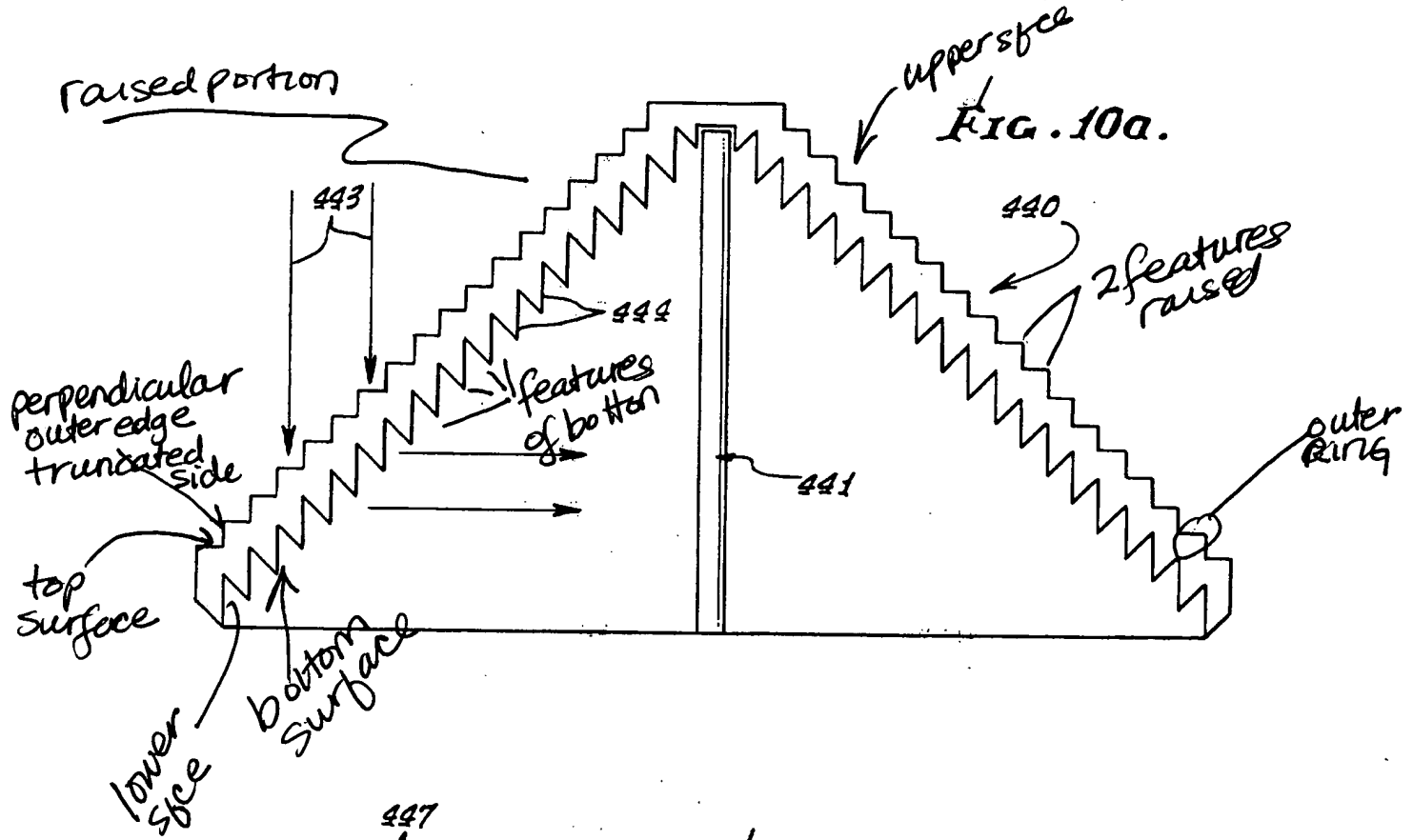
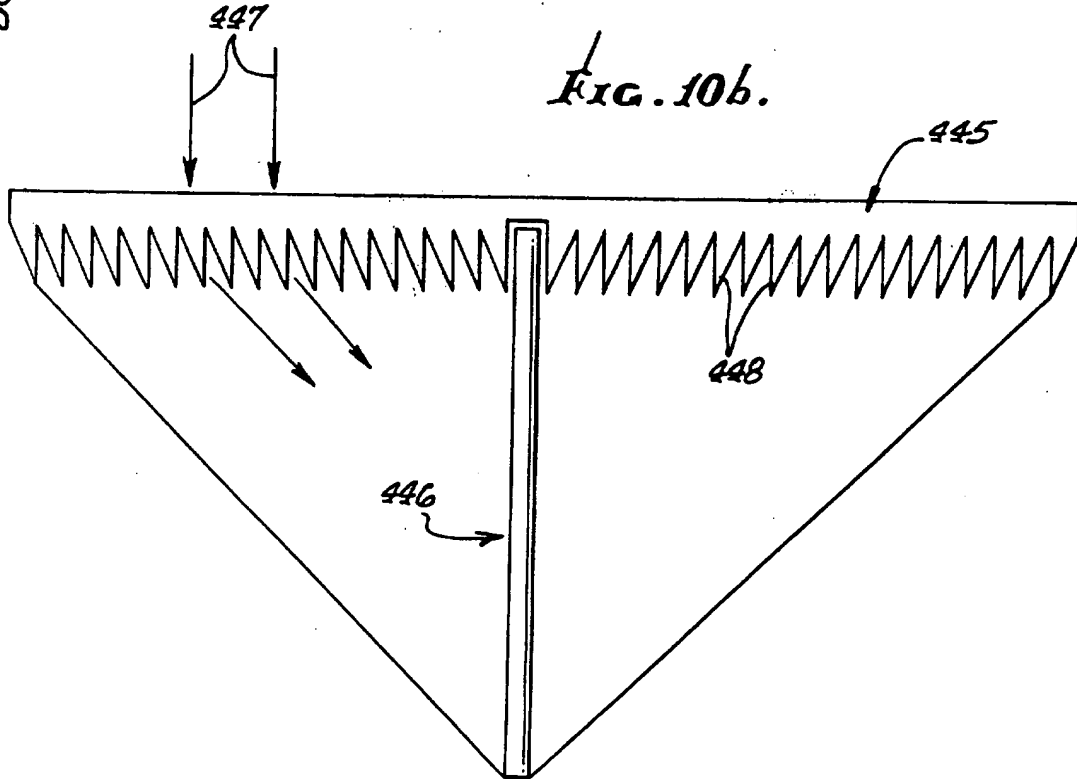


FIG. 10b.



PATENT COPY W/ANNOTATIONS